UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:11-cr-73
v.)	
)	COLLIER / LEE
MITCHELL DIAZ JIMERANES)	

ORDER

On February 10, 2012, Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts One and Twenty-One of the twenty-one-count Indictment; (2) accept Defendant's plea of guilty to Counts One and Twenty-One of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts One and Twenty-One of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter (Court File No. 162). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court ACCEPTS and ADOPTS the magistrate judge's report and recommendation (Court File No. 162) pursuant to 28 U.S.C. § 636(b)(1) and ORDERS as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Counts One and Twenty-One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Counts One and Twenty-One of the Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One and Twenty-One of the Indictment;

- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Thursday**, **June 7**, **2012 at 2:00 p.m.** [**EASTERN**] before the Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

<u>/s/</u> CURTIS L. COLLIER

CHIEF UNITED STATES DISTRICT JUDGE